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DEC 13 2005

PTO/SB/31 (04-05)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) CHA920010011US1	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO [37 CFR 1.8(a)]		In re Application of Gupta et al.	
on <u>December 13, 2005</u>		Application Number 09/973810	Filed 10/10/2001
Signature <u>Jennifer Desbiens</u>		For DATABASE MIGRATION	
Typed or printed name <u>Jennifer Desbiens</u>		Art Unit 2167	Examiner Kuen S. Lu
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice to Appeal is (37 CFR 41.20(b)(1))		\$ <u>500.00</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No. <u>09-0469 (IBM)</u> .			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		Signature <u>Spencer K. Warnick</u>	
<input type="checkbox"/> applicant/inventor.		Typed or printed name <u>Spencer K. Warnick</u>	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Telephone number <u>518-449-0044</u>	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,398</u>		Date <u>December 13, 2005</u>	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14, and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CENTRAL FAX CENTER****DEC 13 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Serial No.:** 09/973,810**Conf. No.:** 7829**Filing Date:** 10/10/2001**Art Unit:** 2167**Applicants:** Gupta et al.**Examiner:** Lu, Kuen S.**Title:** DATABASE MIGRATION**Docket No.:** CHA920010011US1
(IBM-0022)

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NOTICE OF APPEAL

Sir:

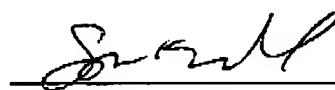
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated September 13, 2005, of the Examiner finally rejecting claims 1-2, 5-16, 18-32, 34-43 and 45-50 of the above-referenced patent application.

Please charge the fee of \$500 to Deposit Account No. 09 - 0469.

Respectfully submitted,

Date:

12/13/05



Spencer K. Warnick
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